

MARK J. GERAGOS  
JON D. WILLIAMS (8318)  
Attorneys for Defendant Lev Aslan Dermen  
9 Exchange Place, Suite 600  
Salt Lake City, Utah 84111  
Telephone: (801) 746-1460  
Fax: (801) 998-8077

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**IN THE UNITED STATES DISTRICT COURT**  
**DISTRICT OF UTAH, CENTRAL DIVISION**

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

LEV ASLAN DERMEN,

Defendant.

**DEFENDANT LEV DERMEN'S  
REPLY TO THE GOVERNMENT'S  
NOTICE OF ISAIAH KINGSTON'S  
VIOLATION OF PROTECTIVE  
ORDER**

Case No. 2:18-CR-00365-JNP-BW

Honorable Jill N. Parrish  
Magistrate Brooke C. Wells

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On January 2, 2019 the Government filed a notice regarding Isaiah Kingston's violation of the discovery protective order with respect to statements made in connection with Isaiah's motion for review of discovery and Salt Lake Tribune news article disclosing the identity of a Government witness. As counsel for Mr. Dermen has maintained at virtually every court appearance since the inception of this case on the record and off the government does not know its own case. Specifically, if they did they would know that that this particular witness has already been publically identified by the government as a cooperating government witness in the United States District Court for the Central District of California. According to public filings

that can be accessed on Pacer, during a public criminal trial, testimony from government witnesses revealed that this so called "government informant" witness became a documented confidential informant in early 2016 and that in exchange for his bought and paid for testimony the government agreed to dismiss this particular witness' ongoing immigration removal proceedings allowing him to stay in the country. If the Government would like help we are willing to give them the Pacer and Case information since they are unaware of the universe of information as to what their case is about. As counsel for Mr. Dermen told Judge Wells on the record during the December 4, 2018 status conference, at this point the government is turning over material we already have in our possession.

The government's filing failed to disclose any of this to the court. Counsel for Mr. Dermen is left with only two conclusions: either the government is misleading this Court and Counsel OR in the alternative as we strongly suspect they filed this case with no idea what they were doing. Accordingly, any statements made by co-defendant's counsel regarding this witness's status as a government informant has been public information preceding this case, was known to co-counsel, and has caused no danger to the witness but only damages the Government's credibility.

RESPECTFULLY SUBMITTED this 2<sup>nd</sup> day of January, 2019.

By /s/ Mark J. Geragos  
MARK J. GERAGOS  
Attorney for Defendant Dermen

By /s/ Jon D. Williams  
JON D. WILLIAMS  
Attorney for Defendant Dermen

**CERTIFICATE OF SERVICE**

I hereby certify that I filed a true and correct copy of the foregoing, on the case styled *United States of America v. Lev Aslan Dermen*, this 2nd day of January, 2019, with the Clerk of the Court using CM/ECF, which sent notification of the filing to all parties registered to receive such notice in the case.

/s/ Mark J. Geragos